

EXHIBIT B

Deposition Transcript

Case Number: 2:22-CV-07534 FLA-MAA
Date: March 29, 2024

In the matter of:

LOPEZ, et al. v CITY OF LOS ANGELES,
et al.

BENNET OMALU

**CERTIFIED
COPY**

Reported by:

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BENNET OMALU
MARCH 29, 2024

JOB NO. 915073

12 REMOTE DEPOSITION UPON ORAL EXAMINATION OF

13 | BENNET OMALU

15 Friday, March 29, 2024

16 | 3:04 PM Pacific Time

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MARCH 29, 2024

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FOR THE DEFENDANT:

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ALSO PRESENT:

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ALEJANDRO MONGUIA

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1 FRIDAY, MARCH 29, 2024, 3:04 PM PACIFIC TIME

2 ---oo---

3 BENNET OMALU,

4 being first duly sworn remotely to tell the truth,
5 the whole truth, and nothing but the truth, was examined and
6 testified as follows:

7

8 DIRECT EXAMINATION

9 BY MS. LAWRENCE:

10 Q. Good afternoon, Dr. Omalu.

11 A. Good afternoon.

12 Q. As you already heard, I represent the two officers
13 involved in this litigation, Officer Jose Zavala and
14 Julio Quintanilla. So I just have some questions.

15 The first thing I'd like to do is to attach your
16 Notice of Deposition as Exhibit 1 to the transcript.

17 (Exhibit No. 1 marked for
18 identification.)

19 BY MS. LAWRENCE:

20 Q. And then your Rule 26 report with your CV as Exhibit 2.

21 (Exhibit No. 2 marked for
22 identification.)

23 BY MS. LAWRENCE:

24 Q. And is there anything about your CV, Dr. Omalu, that is
25 not current, or any changes or additions you'd like to

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1 scope of the deponent's expertise.

2 You can answer.

3 THE WITNESS: Well, your question is in case
4 medical care was needed.

5 Medical care was already needed; not "in
6 case" medical care was needed. So they recognized
7 medical care was needed. There was no reason shooting
8 a mental health patient, because he was not committing
9 any crime.

10 And so to stage EMS means they anticipated
11 they were going to shoot him and kill him. But this
12 was a mental health crisis.

13 This was a mental health patient that was
14 converted into a criminal, law enforcement crisis
15 unnecessarily, and the patient was killed rather than
16 providing health care to the patient.

17 BY MS. LAWRENCE:

18 Q. Okay. Do you believe that a person suffering a mental
19 health crisis can create a danger to others?

20 A. That is too general a question for me. It's too
21 general a question that lacks foundation.

22 In this case, coming specifically in this case,
23 for what I have seen, as a doctor, and as a newer
24 scientist, the police escalated the situation where
25 they were so much in a hurry. They were -- instead of

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1 deescalating, tampering done the temperature, they came
2 flashing bright lights on a mental health patient.

3 Then just -- their flood lights were focused on him;
4 they were yelling at him; they shot two weapons.

5 For a mental health patient who was in a crisis,
6 everything you're doing is to agitate him; you're
7 making it worse. And then he stands up with a knife on
8 himself. He stands up, you shoot him.

9 And so there was nothing I saw in that video as a
10 physician, you're asking me, that justified the actions
11 of the officers. Whatever they did, they failed
12 woefully.

13 This was a patient who needed the protection of
14 the police. He wasn't -- he was a mental health
15 patient and not a criminal. But they converted a
16 mental health medical issue to -- they criminalized him
17 and shot him.

18 Q. Do you consider it a crime to threaten somebody with a
19 knife?

20 A. Sorry?

21 Q. Do you consider it a crime to threaten somebody with a
22 knife?

23 MS. MASONGSONG: Outside the scope.

24 THE WITNESS: Now, you're asking --

25 MS. LAWRENCE: Given his testimony, I don't

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1 think so.

2 BY MS. LAWRENCE:

3 Q. But go ahead.

4 A. You're asking me a question about law, whether
5 something is a crime or not. That is a bit above my
6 pay grade.

7 But what I have seen in the video -- luckily we
8 have videos in this case -- I could not see any medical
9 justification as a physician.

10 Q. Did you --

11 A. And as a physician who took the Hippocratic Oath to
12 first do no harm, to uphold the dignity of humanity, of
13 life. And the video I saw -- in fact, when I heard the
14 gunshots, I stopped; I shuddered; I rewound the video.
15 What just happened here? How was this individual shot?
16 Okay?

17 And that is my opinion from the video I saw. No
18 matter how we twist it, bend it, this individual should
19 not have -- his life should not have been taken away
20 from him. It is not a crime to be a mental health
21 patient. It is not.

22 Q. Okay. Let me ask you: Were you given any information
23 that Mr. Lopez had threatened anybody with a knife
24 prior to the arrival of law enforcement that day?

25 A. I mean, what I know is that the family called for help,

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1 okay?

2 If everybody who threatened somebody with a knife
3 were shot dead by the police, then the population of
4 America would drastically go down. Life expectancy in
5 America would go down sharply.

6 If everybody who is in a mental crisis, they
7 threaten somebody or punch you, I will shoot you, I
8 will stab you, and the police shoot him for that, then
9 we'll be in a state of anarchy.

10 So we deal with the case, specific causation,
11 general causation, you could claim and say anything,
12 but in case specific causation, you deal with the
13 specific facts of the case.

14 Q. Okay. So my question is: Did anyone give you any
15 information about Mr. Lopez threatening anybody with a
16 knife prior to the arrival of law enforcement?

17 A. I know there was some mental crisis going on. He may
18 have, he may not have. I don't remember -- recall
19 completely as I sit here.

20 But by the time the police came, they said the
21 patient was foundering, because a standard we use in
22 medicine is take the patient as the patient is. By the
23 time the police arrived, he was sitting down, was not
24 threatening anybody, was sitting down. He had a knife
25 with him. He was not threatening anybody. He had a

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1 knife with him. And I know when they finally called to
2 let the police know that he was having a mental
3 crisis --

4 Q. Did you listen to the --

5 A. Sorry?

6 Q. Did you listen to the 9-1-1 call to LAPD in this case?

7 A. I believe I did. But as I sit here, you know, this
8 listening had no significance in my analysis, in my
9 forensic analysis of this case.

10 Even if he -- even if he had threatened somebody
11 with a knife, even if he did, and he comes, I don't
12 know, legally speaking, since you're going there,
13 they -- they -- the punishment for threatening somebody
14 with a knife is not assassination. It's not death.
15 You don't threaten somebody with a knife -- the legal
16 punishment for that is not summary execution or
17 assassination.

18 So it doesn't matter if he threatened somebody
19 with a knife. Does he deserve to die?

20 Q. Do you have any training in law enforcement?

21 A. Sorry?

22 Q. Do you have any training in law enforcement?

23 A. Exactly, I don't. That is why I'm surprised why you're
24 asking me all of these questions.

25 Q. Well, you're also offering a lot of opinions, and

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1 that's why --

2 A. What?

3 Q. You're offering a lot of law enforcement and
4 criminology opinions, which is why I'm following up on
5 them.

6 A. No, no, that's not true. If you notice, I say
7 everything as a doctor, because as a forensic
8 pathologist, we interact with law enforcement so much.
9 Like, this week alone, a couple of my autopsies, the
10 police attended. We interact with law enforcement a
11 lot, and they ask us questions a lot on the medical
12 aspects of law enforcement. That is what forensic
13 pathology is, the medical aspects of legal -- of law
14 enforcement; of homicides; of crimes, okay?

15 From the medical aspects, as a forensic
16 pathologist who advises law enforcement on a regular
17 basis, the shooting death of Mr. Lopez cannot be
18 justified. It cannot.

19 From -- as an expert who is called upon routinely
20 by law enforcement to offer opinions, I don't see any
21 way his death can be justified, medically speaking.

22 Q. Do you have any training in mental health crises?

23 A. Oh, yes. Remember as a doctor, I was trained in
24 psychiatry, I was trained in urology, and mostly a
25 neuropathologist. Neuropathology deals with: Why does

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1 suffering, somebody experiences, because when you use
2 the word "feel" -- when you feel pain, that is
3 referring to the cognitive aspect of pain. You don't
4 need the cognitive aspect of pain to experience pain
5 and suffering, okay?

6 And so conscious pain and suffering is the pain
7 reflex in people whose Glasgow Coma Scale is above 6 to
8 8 in the scientific description. And when we say 6 to
9 8, it recognizes that there is no sharp demarcation
10 between consciousness and unconsciousness. No, it
11 doesn't exist. So anybody who is exposed to all forms
12 of noxious stimuli that instigates or initiates the
13 pain reflex, and the person's Glasgow Coma Scale is
14 above 6 to 8, will experience pain and suffering.

15 Q. All right. What is pre-mortem pain?

16 A. What is what?

17 Q. Pre-mortem pain?

18 A. Pre-mortem pain. I wouldn't use the term "pre-mortem."
19 Pre-death. In the State of California and other
20 jurisdictions, they don't -- the law does not recognize
21 conscious or unconscious. It just says "pre-death
22 pain." Meaning when you suffer an injury, how long do
23 you survive before you're pronounced dead? So when you
24 determine that period, that is how long you experience
25 pre-death pain.

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I, Bennet Omalu, have read the foregoing deposition transcript and by signing hereafter, subject to any changes I have made, approve same.

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Dated _____.

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BENNET OMALU

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CERTIFICATE OF REPORTER

2

I, APRIL D. BIEDERMANN, Washington State Certified
Court Reporter and NCRA Registered Skilled Reporter, do
hereby declare:

4

That prior to being examined, the witness named in
the foregoing deposition was by me duly sworn pursuant to
Section 30(f)(1) of the Federal Rules of Civil Procedure and
the deposition is a true record of the testimony given by
the witness.

7

That said deposition was taken down by me in
shorthand at the time and place therein named and thereafter
reduced to text under my direction.

9

XX That the witness requested to review the
transcript and make any changes to the transcript
as a result of that review pursuant to Section
30(e) of the Federal Rules of Civil Procedure.

10

____ Signature is waived.

11

12

13

____ The changes made by the witness are appended to
the transcript.

14

15

____ No request was made that the transcript be
reviewed pursuant to Section 30(e) of the Federal
Rules of Civil Procedure.

16

I further declare that I have no interest in the
event or the action.

17

18

I declare under penalty of perjury under the laws
of the United States of America that the foregoing is true
and correct.

19

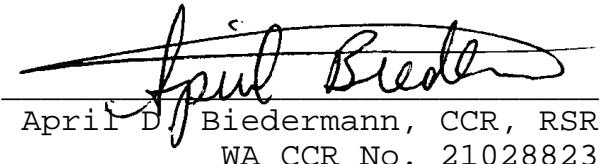
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Witness my hand this 5th day of April, 2024.

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22

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April D. Biedermann, CCR, RSR
WA CCR No. 21028823

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